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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/770,725      | 01/26/2001  | Li Yang              | 791_130             | 6015             |

25191 7590 03/20/2003

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EXAMINER

CREPEAU, JONATHAN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1746

DATE MAILED: 03/20/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/770,725

Applicant(s)

YANG ET AL.

Examiner

Jonathan S. Crepeau

Art Unit

1746

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-16.

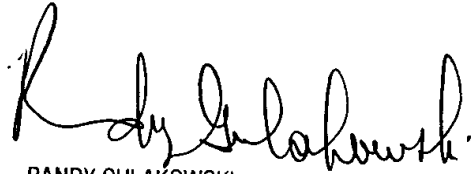
Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☒ Other: See Continuation Sheet

Continuation of 3. Applicant's reply has overcome the following rejection(s): the objection to the specification will be obviated upon entry of the amendment.

Continuation of 5. does NOT place the application in condition for allowance because: the Watanabe reference is still believed to anticipate claim 1. Applicants assert that the moisture contents of the mixtures of Watanabe are those prior to the electrodes being incorporated in a battery and prior to coming into contact with an electrolyte. However, in the event that the instant claims are interpreted as requiring certain electrode moisture contents after incorporation into a battery, it is still believed that Watanabe is anticipatory of this subject matter. As previously noted, Watanabe requires water contents of 50 ppm or less in each electrode and in the electrolyte. Therefore, even if water is adsorbed onto the electrodes from the electrolyte while inside the battery, the water content of the electrodes still would not exceed 50 ppm at any time. Therefore, the disclosure of Watanabe is still considered to be anticipatory of claim 1. It is further noted that the instant specification discloses that upon incorporation into the battery, water is released from the electrodes into the electrolyte and not vice versa. See page 3, lines 12-14; page 4, lines 16-21; and page 14, lines 3-17. Applicants cite page 5, lines 7-11 as disclosing that water can be "adsorbed" on the electrodes from the electrolyte, but this passage actually teaches that water is released from the electrodes into the electrolyte. Therefore, the instant specification does not indicate that the electrodes function to adsorb additional water upon incorporation into a battery.

Continuation of 10. Other: The copending application (09/686,408) listed on the Information Disclosure statement filed on September 30, 2002 has been considered. The Interview Summary of the interview conducted on March 5, 2003 is also attached herewith.



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